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Institute for International Research on Criminal Policy
Ghent University

Prof. Dr. G. Vermeulen – Multidisciplinary Action Against Perpetrators and Facilitators of THB, The Hague, 15 October 2010

Multidisciplinary Action Against Perpetrators and Facilitators of Trafficking in Human Beings

Prof. Dr. Gert Vermeulen

Monitoring Mechanisms in the Fight Against Human
Trafficking - The Hague, 15 October 2010



Multidisciplinary action

- > in practice: no guarantee for integrated action – trendy buzz words: comprehensive
- > actors
 - > governmental
 - > complementarity of roles/functions or blurred boundaries
 - > all instrumentalized towards law enforcement?
 - > violation rule of law, separation of powers & data protection essence if systematic
 - > case: merely administrative governmental actors (city council etc)
 - > case: border guarding/immigration actors
 - > high risk of counterproductiveness due to enhancement vulnerability
 - > case: labour/social security actors
 - > yes, but (secondment within the EU, illegal workers)
 - > non-governmental
 - > victim support organisations – also other, like trade unions etc?
 - > private, other than non-governmental (profit-oriented actors)
 - > employers, travel agencies, escort agencies, brothel owners
 - > public-private cooperation
- > multidisciplinary, integrated data collection possible: Montrasec (hereafter)



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Montrasec

- > monitoring trafficking in human beings and sexual exploitation of children
- > data collection model (variables and functioning architecture)
- > including perpetrator/facilitator related fields
 - > Next to victim and event related field
 - > In a potentially many-many relationship
- > live input possibility for any actor
- > real-time statistics on any level (actor, MS, EU)
 - > Immediate return on (data input investment)
- > integration through 2-level built-in hashing
 - > proofed by data protection board and EDPS
- > fully compatible with 27 MS definitions and definitions/data models of Europol, Eurojust, Frontex, IOM, UNODC, ILO etc
- > book available for free



Relevance of criminal record information

- > content-wise
 - > convictions and disqualifications
- > legal instruments adopted
 - > FD 2009 organisation & content + 2009 ECRIS decision
 - > FD 2008 taking account of earlier EU convictions in new proceedings
- > further instruments required/underway
 - > EU certificates of 'functional' non-prior conviction for access to certain vulnerable sectors or eligibility for certain activities
 - > functional = pertaining to certain, 'relevant' offences only
 - > mandatory for relations with government agencies
 - > allowed for certain merely private relationships > self-regulation?
 - > at national level: perfectly possible (also in the light of EU procurement law)
 - > to require such certificates, e.g. as precondition in tender procedures or for getting a license
 - > to promote the use of such certificates at the level of certain private actors
 - > public-private cooperation